

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

GERALD PRESLEY and	:	
DIANNE PRESLEY,	:	
	:	
Plaintiffs,	:	
	:	CIVIL ACTION 10-0082-M
v.	:	
	:	
J&H TRUCKING, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM OPINION AND ORDER

This action comes before the Court for consideration of Defendants' Motion for Partial Summary Judgment (Doc. 43). Diversity jurisdiction has been invoked in this Court under 28 U.S.C. § 1332 (Doc. 1). The parties filed written consent and this action has been referred to the undersigned Magistrate Judge to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73 (see Doc. 11). After consideration, Defendants' motion is **GRANTED** without objection from Plaintiffs.

On October 15, 2010, Defendants J&H Trucking and Hardy Dshun Williams filed a Motion for Partial Summary Judgment, seeking judgment on Plaintiffs' claims of wantonness, respondeat

superior, negligent entrustment, and negligent or wanton hiring or supervision; Defendants also seek judgment on the Presleys claim for punitive damages (Doc. 43). Plaintiffs' attorney informed the Court, this morning by telephone, that he was conceding the arguments made by Defendants.

The Court has reviewed Defendants' Motion and finds merit in their arguments. Therefore, without objection from Plaintiffs, the Court **GRANTS** Defendants' Motion for Partial Summary Judgment (Doc. 43). Plaintiffs' claims of wantonness, respondeat superior, negligent entrustment, and negligent or wanton hiring or supervision as well as the claim for punitive damages are all dismissed, with prejudice, from this action.

DONE this 13th day of December, 2010.

s/BERT W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE